

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Tyrone Prince,)	C/A No. 5:19-cv-1750-SAL-KDW
)	
Plaintiff,)	
)	
v.)	OPINION & ORDER
)	
Nurse Jeter; Lt. Sweat; Lt. James;)	
Sherriff Anthony Dennis; Dr. Felicia)	
Hayward; Lieutenant Martin; and)	
Captain Blanding,)	
)	
<u>Defendants.</u>)	

This matter is before the Court on Plaintiff’s Motion for Preliminary Injunction, ECF No. 56, filed on September 5, 2019, and Plaintiff’s Motion for Default Judgment, ECF No. 78, filed October 11, 2019. The Magistrate Judge issued a Report and Recommendation (“Report”) as to each of the motions, ECF Nos. 93, 96, in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (D.S.C.). The Magistrate Judge recommends that both motions be denied. *Id.* As to Plaintiff’s Motion for Preliminary Injunction, the Magistrate Judge is of the opinion that Plaintiff failed to put forth enough information to determine if the elements for a preliminary injunction are satisfied. Regarding Plaintiff’s Motion for Default Judgment, the Magistrate Judge found that the relief sought was unavailable under Fed. R. Civ. P. 55(a) where, as here, Defendants adequately and timely responded to Plaintiff’s Amended Complaint. No party objected to either Report, and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of only those portions of the Report that have been specifically objected

to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the Court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of both Reports, the applicable law, and the record of this case in accordance with the above standard, the Court finds no clear error, adopts the Reports, and incorporates the Reports by reference herein. Accordingly, Plaintiff’s Motion for Preliminary Injunction, ECF No. 56, and Plaintiff’s Motion for Default Judgment, ECF No. 78, are hereby **DENIED.**

IT IS SO ORDERED.

/s/ Sherri A. Lydon
United States District Judge

January 21, 2020
Florence, South Carolina